

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Michael Echevarria and Bebi Haniff

Debtors.

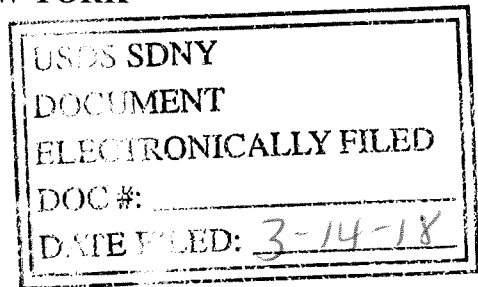
Michael Echevarria and Bebi Haniff,

Debtors and Plaintiffs
on Behalf of Themselves
And All Others
Similarly Situated,

v.

Bank of America Corporation; Bank of
America, National Association; and FIA Card
Services, N.A.,

Defendants.



Index No.: 17-cv-8026

~~MEMORANDUM~~ ORDER GRANTING MOTION FOR ATTORNEYS' FEES, EXPENSES
AND INCENTIVE AWARD PAYMENTS

WHEREAS, this matter came before the Court for hearing on March 2, 2018 (the "Settlement Hearing"), on motion of Class Counsel in the above-captioned action to, among other things, determine (i) whether the terms and conditions set forth in the Settlement Agreement are fair, reasonable, and adequate and should be approved by the Court; (ii) whether a Judgment providing, among other things for the dismissal with prejudice of the action against the Bank of America Corporation, Bank of America, National Association, and FIA Card Services, N.A. (collectively, "Bank of America" or "Defendants") as provided for in the Settlement Agreement should be entered; and

WHEREAS, Class Counsel has filed an uncontested motion for attorneys' fees, expenses and incentive award payments; and

WHEREAS, this Court has considered all matters submitted to it at the Settlement Hearing and all papers filed and proceedings had herein and otherwise being fully informed in the premises and good cause appearing therefore;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Settlement Agreement is incorporated by reference in this Order as though fully set forth herein. All capitalized terms used herein shall have the meanings set forth in the Settlement Agreement.

2. Class Counsel is hereby awarded Fees and Expenses of \$1,500,000.00, which sum the Court finds to be fair and reasonable. In making this award, the Court has considered and found that:

(a) The Notice advised that Class Counsel would move for an award of Fees and Expenses of up to \$1,500,000.00, which the Defendants would not challenge, and no objections were filed with respect to the award of the Fees and Expenses disclosed in the Class Notice;

(b) The Action involves complex factual and legal issues, was actively prosecuted and, in the absence of the Settlement, would involve further lengthy proceedings with uncertain resolution of the complex factual and legal issues;

(c) Class Counsel exhibited exemplary skill and prudence in pursuing the Actions on behalf of the Class Representatives and the Class;

(d) The hourly rates charged by Class Counsel are reasonable;

(e) Had Class Counsel not achieved the Settlement, there would remain a significant risk that the Class Representatives and the Class would recover less or nothing from the

Defendants; and

(f) The amount of the Fees awarded herein is consistent with awards in similar cases.

(g) The Fees and Expenses awarded herein shall be paid by Bank of America consistent with the terms of Sections 15.2 and 15.6 of the Settlement Agreement.

3. The Court finds that an award to the Class Representatives for their time and effort in representing the Class in the prosecution of the Actions is fair and reasonable, and thus awards each of the Class Representatives an Incentive Award in the amount of \$5,000.00. The Incentive Award shall be paid by Bank of America consistent with the terms of Section 5.7 of the Settlement Agreement.

4. Bank of America shall pay the Settlement Administrator consistent with the terms of the engagement agreement entered with the Settlement Administrator.

Dated: March 14, 2018

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Honorable Vincent L. Briccetti
United States District Court Judge